

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 BERNADEAN RITTMANN, *et al.*,

11 Plaintiffs,

12 v.

13 AMAZON.COM INC., *et al.*,

14 Defendants.

CASE NO. C16-1554-JCC

ORDER CONSOLIDATING  
CASES

15 This matter comes before the Court *sua sponte*. Pursuant to Federal Rule of Civil  
16 Procedure 42(a)(2), the Court hereby consolidates *Ponce v. Amazon.com Services Inc.*, Case No.  
17 C19-1718-JCC (W.D. Wash. 2019); *Keller v. Amazon.com Inc.*, Case No. C19-1719-JCC (W.D.  
18 Wash. 2019); *Diaz v. Amazon.com Inc*, Case No. C21-0419-JCC (W.D. Wash. 2021); and *Puentes*  
19 *v. Amazon.com Services LLC*, Case No. C21-1370-JCC (W.D. Wash. 2021) with this action for the  
20 reasons explained below.

21 **I. BACKGROUND**

22 The facts of this case have been outlined in a prior order, and the Court will not repeat  
23 them here. (See Dkt. No. 115.) The Court has previously consolidated several related cases in  
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1 this action.<sup>1</sup> In 2019, two cases—*Ponce* and *Keller*—were transferred to the Western District of  
 2 Washington pursuant to the “first-to-file” rule after finding “that all of the claims in both *Keller*  
 3 and *Ponce* are identical to, or closely mirror, the claims in” the instant action. *See Ponce v.*  
 4 *Amazon.com Services Inc.*, Case No. C19-1718-JCC, Dkt. Nos. 74 at 3, 75 (W.D. Wash. 2019);  
 5 *Keller v. Amazon.com Inc.*, Case No. C19-1719-JCC, Dkt. Nos. 84, 85 (W.D. Wash. 2019). In  
 6 2021, two additional cases were transferred under the first-to-file rule. *See Diaz v. Amazon.com*  
 7 *Inc.*, Case No. C21-0419-JCC, Dkt. No. 22 (W.D. Wash. 2021); *Puentes v. Amazon.com Services*  
 8 *LLC*, Case No. C21-1370-JCC, Dkt. No. 42 (W.D. Wash. 2021).

## 9       II.     DISCUSSION

10       If multiple actions before the Court involve a common question of law or fact, the Court  
 11 may consolidate the actions, and may do so *sua sponte*. *See Fed. R. Civ. P.* 42(a)(2); *In re Adams*  
 12 *Apple, Inc.*, 829 F.2d 1484, 1487 (9th Cir. 1987) (citing § 2383 Consolidation—Discretion of  
 13 Court, 9A FED. PRAC. & PROC. CIV. § 2383 (3d ed.)). The Court has substantial discretion in  
 14 determining whether to consolidate the actions. *Inv’rs Research Co. v. U.S. Dist. Court for Cent.*  
 15 *Dist. of Cal.*, 877 F.2d 777, 777 (9th Cir. 1989). “In exercising its discretion to consolidate, the  
 16 Court ‘must balance the savings of time and effort consolidation will produce against any  
 17 inconvenience, delay, confusion, or prejudice that may result.’” *Ekin v. Amazon Servs., LLC*,  
 18 Case No. C14-0244-JCC, Dkt. No. 21 at 3 (W.D. Wash. 2014) (quoting *Takeda v. Turbodyne*  
 19 *Tech.*, Inc., 67 F. Supp. 2d 1129, 1133 (C.D. Cal. 1999)).

20       “Once a common question of law or fact is identified, the Court considers factors such as  
 21 the interests of justice, expeditious results, conservation of resources, avoiding inconsistent  
 22 results, and the potential of prejudice.” *Miller v. Monroe Sch. Dist.*, Case No. C15-1323-JCC,  
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 25       <sup>1</sup> *See, e.g., Ronquillo v. Amazon.com Inc*, Case No. C19-0398-JCC, Dkt. No. 33 (W.D.  
 26 Wash. 2019); *Hoyt v. Amazon.com Inc*, Case No. C19-0498-JCC, Dkt. No. 57 (W.D. Wash.  
 2019); *Lawson v. Amazon.com Inc*, Case No. C17-1438-JCC, Dkt. No. 41 (W.D. Wash. 2017).

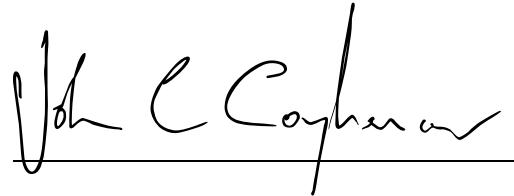
1 Dkt. No. 21 at 3 (W.D. Wash. 2015).

2 Here, the transferred cases all share a common question of law—whether Amazon and its  
3 affiliate's practice of classifying certain delivery drivers as “independent contractors” is  
4 improper.<sup>2</sup> Failing to consolidate the transferred cases risks complications from the overlap in  
5 their putative classes, claims, defendants, and core theory of defendants’ liability. In addition,  
6 consolidating supports efficiency, conserves judicial resources, and avoids disparate court orders,  
7 furthering the interests of justice.

8 **III. CONCLUSION**

9 Accordingly, these cases are consolidated. The Clerk is DIRECTED to consolidate case  
10 numbers C19-1719-JCC, C19-1718-JCC, C21-0419-JCC, and C21-1370 into case number C16-  
11 1554-JCC. All future pleadings shall bear the case number C16-1554-JCC.

12 DATED this 16th day of June 2022.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE

24 <sup>2</sup> Compare Dkt. No. 174 with *Ponce v. Amazon.com Services Inc.*, Case No. C19-1718-  
25 JCC, Dkt. No. 18-4 (W.D. Wash. 2019); *Keller v. Amazon.com Inc.*, Case No. C19-1719-JCC, Dkt.  
26 No. 18-3 (W.D. Wash. 2019); *Diaz v. Amazon.com Inc.*, Case No. C21-0419-JCC, Dkt. No. 18-5  
(W.D. Wash. 2021); *Puentes v. Amazon.com Services LLC, et al.*, Case No. C21-1370-JCC, Dkt.  
No. 1-3 (W.D. Wash. 2021).